

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 REGINALD BELL, JR.,)
09 Plaintiff,) CASE NO. C10-0376-MJP-MAT
10 v.)
11 KING COUNTY CASA DEPENDENCY) ORDER ON PENDING MOTIONS
12 PROGRAM, et al.,)
13 Defendants.)
_____)

14 Pending before the Court are numerous motions, several of which are dispositive. The
15 Court has reviewed the papers filed in support of and in opposition to the motions and
16 **ORDERS** as follows:

17 1. The Court **GRANTS** defendants' motions to stay discovery pending resolution
18 of all dispositive motions and the issuance of a scheduling order on any remaining claims.
19 (Dkts. **89, 94**) Defendants' dispositive motions seek either dismissal or pre-discovery
20 summary judgment based upon undisputed facts. If necessary, the Court will request
21 additional affidavits or declarations from plaintiff or permit limited discovery on discrete
22 issues. *See* Fed. R. Civ. P. 56(d).

01 2. The Court **DENIES** plaintiff's motion to join claims and parties in order to issue
02 a writ of prohibition against the King County Juvenile Court and to have that court return
03 custody of his children to him. (Dkt. **75**.) First, it is well-settled that federal courts should
04 abstain from adjudicating domestic relations cases, including those involving custody of
05 children. *See Peterson v. Babbitt*, 708 F.2d 465, 466 (9th Cir. 1983). Even if a case raises
06 constitutional issues, abstention is proper if the case, at its core, is a child custody dispute. *See*
07 *Coats v. Woods*, 819 F.2d 236, 237 (9th Cir. 1987). Second, a federal district court is not a
08 state appellate court that will issue a writ of prohibition against a lower state court such as the
09 King County Juvenile Court. In general, a writ of prohibition is "[a]n extraordinary writ issued
10 by an appellate court to prevent a lower court from exceeding its jurisdiction or to prevent a
11 nonjudicial officer or entity from exercising a power." BLACK'S LAW DICTIONARY (9th ed.
12 2009).

13 3. The Court **GRANTS** defendant David Hoekendorf's motion to strike plaintiff's
14 improperly filed surreply brief. (Dkt. **97**.) The Court did not request plaintiff's surreply (Dkt.
15 **92**) and therefore **STRIKES** it.

16 4. The Court **DENIES** plaintiff's motion for an extension of time to file a reply to
17 the answer filed by the DSHS defendants. (Dkt. **114**.)

18 5. The Court **GRANTS** the DSHS defendants' motion to strike plaintiff's reply to
19 the answer filed by the DSHS defendants. (Dkt. **120**.) The Court did not request a reply to the
20 answer filed by the DSHS defendants (Dkt. **117**) and therefore **STRIKES** it.

21 6. The Court **GRANTS** plaintiff's unopposed motion for an extension of time to
22 file a response to defendant David Israel's motion to dismiss. (Dkt. **115**.) Plaintiff has since

01 filed a response (Dkt. 118), and defendant Israel has filed a supplemental reply (Dkt. 121).

02 7. The Court **DENIES** plaintiff's motion to allow a reply to the DSHS defendants'
03 affirmative defenses in the defendants' answer. (Dkt. **126**.) The Court finds that a reply to
04 the answer is not warranted.

05 8. The Court **DENIES** plaintiff's motion for default against defendant Sharon
06 Vanardo Rhodes. (Dkt. **128**.) Defendant Vanardo Rhodes has filed responsive papers in the
07 form of a motion to dismiss and for summary judgment. (Dkt. 123.)

08 9. The Court **RENOTES** the pending dispositive motions for consideration on the
09 **July 8, 2011**, the same day on which defendant Vanardo Rhodes' dispositive motion is noted.
10 Thus, the Court renotes the dispositive motions by defendants Vera Jean (Dkt. **68**), Dennis Lee
11 (Dkt. **72**) David Hoekendorf (Dkt. **73**), David Israel (Dkt. **87**), King County (Dkt. **90**).

12 10. The Court also **RENOTES** defendant King County's motion for a pre-filing
13 order (Dkt. **88**) and plaintiff's motion for reconsideration of his denied motion for
14 reconsideration (Dkt. **116**) for **July 8, 2011**. The Court will benefit from considering these
15 motions alongside defendants' dispositive motions and will address the issues raised in a
16 Report and Recommendation.

17 DATED this 5th day of July, 2011.

18
19 
20 Mary Alice Theiler
21 United States Magistrate Judge
22